

See Fed. R. Civ. P. 30(a)(2)(A)(ii). This Court has “discretion to make a determination which is fair and equitable under all the relevant circumstances.” *United States v. Prevezon Holdings, Ltd.*, 320 F.R.D. 112, 114–15 (S.D.N.Y. 2017) (quoting *Ganci v. U.S. Limousine Serv., Ltd.*, 2011 WL 4407461, at *2 (E.D.N.Y. Sept. 21, 2011)). “‘The Court must allow’ an additional deposition ‘if needed to fairly examine the deponent or if the deponent, another person, or any other circumstance impedes or delays the examination,’ and if such additional time is ‘consistent with Rule 26(b)(1) and (2).’” *Lyons v. New York Life Ins. Co.*, 2021 WL 2981586, at *1 (S.D.N.Y. July 15, 2021) (quoting Fed. R. Civ. P. 30(d)(1)). Courts consider the follow factors: “(1) whether the second deposition of the witness would be unnecessarily cumulative; (2) whether the party requesting the deposition has had other opportunities to obtain the same information; and (3) whether the burden of a second deposition outweighs its potential benefit.” *Hedgeye Risk Mgmt., LLC v. Dale*, 2023 WL 4235768, at *4 (S.D.N.Y. June 28, 2023) (quoting *Prevezon*, 320 F.R.D. at 115).

Defendants do not object to a deposition on financial discovery but suggest that Defendants’ accountant is a more appropriate witness than Landau himself. Dkt. No. 682. But Landau is the individual with the most direct percipient knowledge of the financial transactions with respect to which the United States seeks discovery. It also appears that, of the Defendants, he has the greatest financial interest in those transactions. The two depositions will not be cumulative—they cover different subjects and, for the most part, different time periods. This is a complex case. There is reason to believe that the necessary questioning could not be accomplished through a single deposition of seven hours and, in addition, there is an interest in the financial discovery deposition being conducted before the parties would be ready for the

merits deposition. There is no reason to believe that the two depositions would be oppressive or are sought to cause annoyance or embarrassment.

The Clerk of Court is respectfully directed to close the motion at Dkt. No. 673.

SO ORDERED.

Dated: August 13, 2025
New York, New York

A handwritten signature in black ink, appearing to read 'L. Liman', is written over a horizontal line.

LEWIS J. LIMAN
United States District Judge